

Timothy W. Connors  
Name  
H2839  
Prison Number  
Southern Desert Correctional Center  
Place of Confinement

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JUL 16 2015	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Timothy Wayne Connors, Petitioner, )  
(Full Name) )

vs. )

Brian E. Williams Sr., Respondent, )  
(Name of Warden, Superintendent, jailor or )  
authorized person having custody of petitioner) )

and )

The Attorney General of the State of Nevada, )

**2:15-cv-01351-JAD-CWH**

**PETITION FOR A  
WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2254  
BY A PERSON IN STATE CUSTODY  
(NOT SENTENCED TO DEATH)**

1. Name and location of court, and name of judge, that entered the judgment of conviction you are challenging: 8<sup>th</sup> Judicial District Court, Dept IV, Clark County, Nevada, Judge Baumgiovanni.

2. Full date judgment of conviction was entered: 6/12/1994. (month/day/year)

3. Did you appeal the conviction?  Yes  No. Date appeal decided: 7/28/1998.

4. Did you file a petition for post-conviction relief or petition for habeas corpus in the state court?  Yes  No. If yes, name the court and date the petition was filed: 8<sup>th</sup> Judicial District Court 8/16/1999. Did you appeal from the denial of the petition for post-conviction relief or petition for writ of habeas corpus?  Yes  No. Date the appeal was decided: See Attached. Have all of the grounds stated in this petition been presented to the state supreme court?  Yes  No. If no, which grounds have not? \_\_\_\_\_

5. Date you are mailing (or handing to correctional officer) this petition to this court: 8/13/2015.

**Attach to this petition a copy of all state court written decisions regarding this conviction.**

Continued from page 1, question 4:

" Did you appeal the denial of the petition for post-conviction relief or petition for writ of habeas corpus? X Yes — No. Date the appeal was decided: 5 November 2009, Case no. 61247, Nevada Supreme Court - Order of Reversal and Remand; 10 June 2015, Case no. 61749, Nevada Supreme Court - Order of Affirmance. ~

6. Is this the first federal petition for writ of habeas corpus challenging this conviction?  Yes  
 No. If no, what was the prior case number? \_\_\_\_\_ And in what court was the prior action filed? \_\_\_\_\_  
 Was the prior action \_\_\_\_\_ denied on the merits or \_\_\_\_\_ dismissed for procedural reasons (check one). Date of decision: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_. Are any of the issues in this petition raised in the prior petition?  Yes  No. If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this successive petition?  Yes  No.

7. Do you have any petition, application, motion or appeal (or by any other means) now pending in any court regarding the conviction that you are challenging in this action?  Yes  No.  
 If yes, state the name of the court and the nature of the proceedings: \_\_\_\_\_  
 \_\_\_\_\_

8. Case number of the judgment of conviction being challenged: C 994135

9. Length and terms of sentence(s): Two Life Without Parole and Two 15 year sentences

10. Start date and projected release date: 2 March 1992 (re-Arrest date); release date - N/A

11. What was (were) the offense(s) for which you were convicted: 1<sup>st</sup> Degree Murder with use of Deadly Weapon and Robbery with use of Deadly Weapon

12. What was your plea?  Guilty  Not Guilty  Nolo Contendere. If you pleaded guilty or nolo contendere pursuant to a plea bargain, state the terms and conditions of the agreement:  
 \_\_\_\_\_

13. Who was the attorney that represented you in the proceedings in state court? Identify whether the attorney was appointed, retained, or whether you represented yourself *pro se* (without counsel).

	Name of Attorney	Appointed	Retained	<i>Pro se</i>
arraignment and plea	<u>Bill Terry</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
trial/guilty plea	<u>Bill Terry (Retained) Marc Yampolsky (App)</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
sentencing	<u>Bill Terry</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
direct appeal	<u>Don Green, Michael Cherry, David Schieck</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1st post-conviction petition	<u>myself</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
appeal from post conviction	<u>myself</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<del>Remanded</del> post-conviction petition	<u>Cynthia Dustin</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
appeal from <del>Remanded</del> post-conviction	<u>Rachelle Nguyen</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

## GROUND 1

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my  
5<sup>th</sup>, 14<sup>th</sup> Amendment right to Due Process; Compulsory process & confrontation of witnesses; Due Process of Law; and Equal Protection  
based on these facts:

The use of witness testimony based upon an UNVERIFIED document not admitted into evidence which circumstances indicate a lack of trustworthiness as to its authenticity. Namely the testimony of Dr. Green which used an autopsy report as to the foundation of [REDACTED] said testimony. Said report admitted by Dr. Green to have never been verified. This testimony used to discredit primary defense.

**Exhaustion of state court remedies regarding Ground 1:**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: \_\_\_\_\_

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8<sup>th</sup> Judicial District Court, Dept. XXI date petition filed 1/1/

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a **second** petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed 1/1/

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

## GROUND 2

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my 5<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> Amendment right to Effective Assistance of Counsel, based on these facts:

the petitioner's trial counsel was ineffective for failing to:

A) Call witnesses favorable to the defense, namely; Sean Trail, Christopher Connors, and several John Does

B) Effectively, challenge prosecutor's evidence/witnesses, namely; testimony of Giovannetti and the admission of B&B records

Additionally, petitioner was denied effective assistance of counsel by the defense team for violating the mutual defense doctrine. #

As well as Mr. Yampolsky conceding an essential element of the state's case to the jury prior to the State presenting its case in chief thus taking a fact finding out of the jury's duty coupled with the right to a fair trial and the presumption of innocence.

**Exhaustion of state court remedies regarding Ground 2:**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Ineffective assistance of Counsel claim

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8th Judicial District Court date petition filed 8/6/1999.

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a **second** petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed   /  /  .

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND 3

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my 5<sup>th</sup>, 6<sup>th</sup>, 14<sup>th</sup> Amendment right to Effective Assistance of Appellate Counsel based on these facts:

Appellate Counsel was ineffective for failing to raise the following issues on Direct Appeal: A) Did not raise the constitutional magnitude of the failure to sever petitioner's case from co-defendants in that it rendered trial counsel ineffective by denying petitioner the right to call a witness vital to his defense, the only eyewitness, his actual co-defendant. B) Did not raise the denial of petitioner's right to a speedy trial as guaranteed by the 6<sup>th</sup> Amendment. C) Did not raise the following additional grounds of prosecutor misconduct: I) Dilatory tactics of District Attorney's Office causing delays in violation of petitioner's right to a speedy trial. II) Prosecutorial vindictiveness by increasing the criminal penalty for the sole purpose of causing delay. III) Giving false information to the district court regarding the "Perry" statements. IV) Destruction of evidence favorable to the defense, the wire tape and written reports regarding the wire tape. V) Arguing uncharged acts of Petitioner. VI) Did not raise fact that jury instructions as whole and individually are burden shifting. VII) Did not move for a new trial based on the denial of the right to an impartial jury.

District Court would not allow an evidentiary hearing nor ~~subpoena~~ subpoena any witnesses - Case No. 51247 Nevada Supreme Court, order of Reversal and remand, 5 November 2009. On Remand, District Court's hearing did not go beyond the parameters of the original hearings in the summer of 2007. Deprived of a meaningful opportunity to litigate.

**Exhaustion of state court remedies regarding Ground 3:**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Ineffective Assistance of Appellate Counsel  
Claim

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8th Judicial District Court date petition filed 8/6/1999

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed / /

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

#### GROUND 4

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my 5<sup>th</sup>, 14<sup>th</sup> Amendment right to Due Process; Fair Trial; Equal Protection, based on these facts:

The Clark County District Attorney's Office committed prosecutorial misconduct with the following: A) Knowingly used false evidence and/or manufactured said evidence, namely the Gun records and the Map of the scene. B) Induced false testimony from Biencantier and Messina. C) Giving knowing false information to the trial Court to subvert the defense. D) At oral Argument on Direct Appeal, giving false information to the Nevada Supreme Court and making material misrepresentations of fact to the Nevada Supreme Court

District Court would not allow an evidentiary hearing nor subpoena my witnesses  
Case No. 51247 Nevada Supreme Court, order of Reversal and Remand, 5 November 2009.  
On Remand, District Court's hearing did not go beyond the parameters of the original  
hearings in the Summer of 2007. Deprived of a meaningful opportunity to litigate.

**Exhaustion of state court remedies regarding Ground 4:**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: outside the Trial Court Record

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8<sup>th</sup> Judicial District Court date petition filed 8/6/1999

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a **second** petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed / /

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND 05

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my 5<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> Amendment right to Due Process; Fair Trial; Equal Protection, based on these facts:

Failure of the United States Air Force to Disclose to the defense the Nellis Air Force Base Security surveillance recording of the event which took place on 14 December 1990 along side the perimeter of the base itself.

Failure of the National Reconnaissance Office to disclose satellite recording of the event

**Exhaustion of state court remedies regarding Ground 5:**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Outside trial court record

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8<sup>th</sup> Judicial District Court date petition filed 8/6/1999

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a **second** petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed / /

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND #6

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my 1<sup>st</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> Amendment right to Access the Courts; due process; a fair trial;  
and Equal protection of the law, based on these facts:

Pervasive Governmental Misconduct is that the Nevada Department of Prisons and the Nevada Attorney General's Office actively prevented the petitioner from using, ~~and~~ and enforcing, the Freedom of Information Act 5 U.S.C. § 552 so as to gain evidence, to be used in a motion for a new trial

District Court would not allow an evidentiary hearing over subpoenas as to this issue. Case No. 61247, Nevada Supreme Court, order of Reversal and Remand, 5 November 2009. On Remand, District Court's hearing did not go beyond the parameters of the original hearings held in the Summer of 2007, in fact even less so, thus depriving the petitioner of a meaningful opportunity to litigate.

**Exhaustion of state court remedies regarding Ground 1:**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Outside the trial Court Record

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8<sup>th</sup> Judicial District Court date petition filed 8/6/1995

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a **second** petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND #7

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my 1<sup>st</sup>, 5<sup>th</sup>, 10<sup>th</sup>, and 14<sup>th</sup> Amendment right to Due Process; Access the Courts; Observe witnesses; Equal Protection, based on these facts:

In August 1999, petitioner filed his state post conviction writ of habeas corpus in a timely manner under Nevada law. Having learned that the District Court removed the writ from calendar, petitioner filed a writ of Mandamus with the Nevada Supreme Court (Case No. 46025) which was partially granted 17 January 2000. With no action taken by District Court on Mandamus order, petitioner attempted to vest jurisdiction of this Habeas Corpus with the Nevada Supreme Court (Case No. 48403) which failed. The Nevada Supreme Court instead issued a second Mandamus directing the District Court to hear the writ of habeas corpus. By the time the writ was heard, key witness David Messina died. If only writ was heard at first Mandamus or even when filed, Messina would have testified to D.A.'s Misconduct and destroying of evidence which he had personally turned over to her.

This oppressive delay and denial of Due Process stands unheeded, 8 years between the filing of the writ and a partial hearing. With the appeal process (Case no. 51247) and the granting of a new hearing, which still did not allow for a hearing on the merits of claims, time stands at 16 years denial of due process on claims that should have been addressed in 1999. Dismissal of case against petitioner is requested.

**Exhaustion of state court remedies regarding Ground 7:**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

Yes  No. If no, explain why not: Outside scope of Direct Review

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

Yes  No. If no, explain why not: \_\_\_\_\_

If yes, name of court: Nevada Supreme Court date petition filed 11/15/2006

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: Granted Mandamus instead and ordered  
Actions to be heard

If yes, did you raise this issue?  Yes  No. If no, explain why not: N/A

► **Second Post Conviction:**

Did you raise this issue in a **second** petition for post conviction relief or state petition for habeas corpus?

Yes  No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed / /

Did you receive an evidentiary hearing?  Yes  No. Did you appeal to the Nevada Supreme Court?  Yes  No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue?  Yes  No. If no, explain why not: \_\_\_\_\_

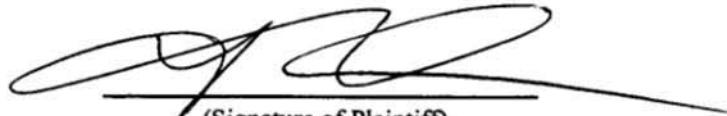
► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)?  Yes  No. If yes, explain: \_\_\_\_\_

**WHEREFORE**, petitioner prays that the court will grant him such relief to which he is entitled in this federal petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 by a person in state custody.

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(Name of person who wrote this complaint if not Plaintiff)



(Signature of Plaintiff)

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(Signature of attorney, if any)

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(Attorney's address & telephone number)

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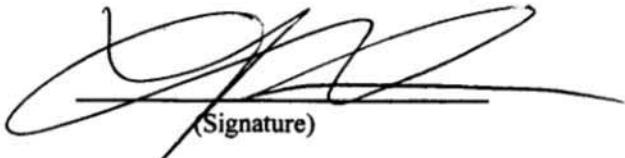
13 July 2015

(Date)

### **DECLARATION UNDER PENALTY OF PERJURY**

I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.**  
See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Executed at Southern Desert Correctional Center on 13 July 2015.  
(Location) (Date)



(Signature)

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42839  
(Inmate prison number)

**SUPREME COURT OF NEVADA**  
OFFICE OF THE CLERK  
201 S. Carson Street, Suite 201  
Carson City, Nevada 89701

1494

**Address Service Requested**

TIMOTHY W. CONNORS  
INMATE ID: 42839  
SDCC  
P.O. BOX 208  
INDIAN SPRINGS NV 89070

4870

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SUPREME COURT OF NEVADA  
OFFICE OF THE CLERK  
TRACIE K. LINDEMAN, CLERK  
201 SOUTH CARSON STREET, SUITE 201  
CARSON CITY, NEVADA 89701-4702

Telephone  
(775) 684-1600

July 6, 2015

TIMOTHY W. CONNORS  
INMATE ID: 42839  
SDCC  
P.O. BOX 208  
INDIAN SPRINGS NV 89070

Re: Request for information on case 61749

Dear Mr. Morissette:

This is in response to your letter received July 6th, 2015, requesting information on a the case noted above. Enclosed in this correspondence is that information.

If there are any additional documents that you require, because of the time and expense involved in locating, retrieving, copying certain documents filed in the Nevada Supreme Court, we do not provide those copies without charge. However, court cases are now available for viewing and printing at no charge from the court's website, [nevadajudiciary.us](http://nevadajudiciary.us). Click on the **Supreme Court** link in the box entitled **Supreme Court Cases**, click on **Case Search**. This will take you to the public portal where you can enter the case number or party name and access most documents filed in the case. If you do not have access to this website, you can provide this information to a friend or relative who can copy the documents for you.

Sincerely,

Danna  
Administrative Asst.

**Nevada Supreme Court Docket Sheet****Docket: 61749 CONNORS (TIMOTHY) VS. STATE****Page 1**

TIMOTHY W. CONNORS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 61749**

Consolidated with:

**Counsel**

Nguyen & Lay, Las Vegas, NV \ Rochelle T. Nguyen, as counsel for Appellant, Timothy W. Connors  
Attorney General/Carson City, Carson City, NV \ Adam Paul Laxalt, as counsel for Respondent, The State of Nevada  
Clark County District Attorney, Las Vegas, NV \ Ryan J. MacDonald, Steven S. Owens, as counsel for Respondent, The State of Nevada

**Case Information**

**Panel:** NNP15 **Panel Members:** Saitta/Gibbons/Pickering

**Disqualifications:****Case Status:** Remittitur Issued/Case Closed**Category:** Criminal Appeal **Type:** Life**Subtype:** Post-Conviction**Submitted:** On Briefs**Date Submitted:** 09/26/14**Oral Argument:****Sett. Notice Issued:** **Sett. Judge:** **Sett. Status:****Related Supreme Court Cases:** 46025, 46552, 48403, 50035, 50086,  
51069, 51247**District Court Case Information****Case Number:** C099435**Case Title:** STATE VS. TIMOTHY W. CONNORS**Judicial District:** Eighth **Division:** **County:** Clark Co.**Sitting Judge:** Valerie Adair**Replaced By:**

**Notice of Appeal Filed:** 09/19/12 Appeal **Judgment Appealed From Filed:** 08/13/12  
09/24/12 Appeal

**Docket Entries****Date** **Docket Entries**

09/21/12	Appeal Filing fee waived. Criminal.	
09/21/12	Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day.	12-29974
09/26/12	Filed Notice of Appeal. (Docketing statement mailed to counsel for appellant.)	12-30376
09/26/12	Issued Notice to File Case Appeal Statement/Criminal. Due date: 10 days	12-30378
10/22/12	Issued Notice to File Docketing Statement and Request Transcripts. Due date: 10 days.	12-33359
11/20/12	Filed Appellant's Motion to Expand Time to File Docketing Statement and Certificate of No Transcript Needed.	12-36830

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### Nevada Supreme Court Docket Sheet

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**Docket: 61749 CONNORS (TIMOTHY) VS. STATE**
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11/20/12	Received Docketing Statement. (FILED PER ORDER 11/21/12)	
11/20/12	Received Certificate of No Transcript Request. (FILED PER ORDER 11/21/12)	
11/21/12	Filed Order Granting Motion. The motion for an extension of time to file the docketing statement and certificate of no transcripts will be requested, is granted. The clerk of this court shall file the documents received on November 20, 2012.	12-36998
11/21/12	Filed Docketing Statement.	12-36999
11/21/12	Filed Certificate of No Transcript Request.	12-37000
11/27/12	Filed Motion to Withdraw as Counsel.	12-37395
11/28/12	Filed Order Granting Motion to Withdraw and Remanding for Appointment of Counsel. The clerk of this court shall remove Ms. Dustin as counsel for appellant. District Court: written or minute order appointing appellate counsel due: 35 days. Briefing suspended.	12-37535
01/16/13	Filed District Court Order Appointing Counsel. Filed certified copy of order filed in district court on January 15, 2013 appointing Rochelle Nguyen as counsel for appellant.	13-01697
01/17/13	Filed Order Reinstating Briefing. Appellant: Opening Brief and Appendix due: 90 days.	13-01925
03/27/13	Filed Appellant's Motion to Expand Time to File Opening Brief (60 days).	13-09130
03/29/13	Filed Order Granting Motion. Appellant: Opening Brief and Appendix due: June 17, 2013.	13-09354
06/13/13	Filed Appellant's Second Motion to Expand Time to File Opening Brief.	13-17517
06/21/13	Filed Order Granting Motion In Part. Appellant's opening brief and appendix due: October 15, 2013.	13-18309
10/15/13	Filed Appellant's Third Motion to Expand Time to File Opening Brief.	13-30875
10/21/13	Filed Order Granting Motion In Part. Appellant shall have until December 17, 2013, to file and serve the opening brief and appendix.	13-31526
12/17/13	Filed Appellant's Appendix Volume 1.	13-38231
12/17/13	Filed Appellant's Appendix Volume 2.	13-38233
12/17/13	Filed Appellant's Appendix Volume 3.	13-38234
12/17/13	Filed Appellant's Appendix Volume 4.	13-38235
12/17/13	Filed Appellant's Appendix Volume 5.	13-38236
12/17/13	Filed Appellant's Appendix Volume 6.	13-38237
12/17/13	Filed Appellant's Appendix Volume 7.	13-38261
12/17/13	Filed Appellant's Appendix Volume 8.	13-38262
12/17/13	Filed Appellant's Appendix Volume 9.	13-38263
12/17/13	Filed Appellant's Appendix Volume 10.	13-38264
12/17/13	Filed Appellant's Appendix Volume 11.	13-38265
12/17/13	Filed Appellant's Appendix Volume 12.	13-38266
12/17/13	Filed Appellant's Appendix Volume 13.	13-38267
12/17/13	Filed Appellant's Appendix Volume 14.	13-38268
12/17/13	Filed Appellant's Appendix Volume 15.	13-38269
12/17/13	Filed Appellant's Appendix Volume 16.	13-38270
12/17/13	Filed Appellant's Appendix Volume 17.	13-38271

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12/17/13	Filed Appellant's Appendix Volume 18.	13-38272
12/17/13	Filed Appellant's Appendix Volume 19.	13-38273
12/17/13	Filed Appellant's Appendix Volume 20.	13-38274
12/17/13	Filed Appellant's Appendix Volume 21.	13-38275
12/17/13	Filed Appellant's Appendix Volume 22.	13-38291
12/17/13	Filed Appellant's Appendix Volume 23.	13-38292
12/17/13	Filed Appellant's Appendix Volume 24.	13-38293
12/17/13	Filed Appellant's Appendix Volume 25.	13-38294
12/17/13	Filed Appellant's Appendix Volume 26.	13-38295
12/17/13	Filed Appellant's Appendix Volume 27.	13-38296
12/17/13	Filed Appendix to Opening Brief Appellant's Appendix Volume 29	13-38298
12/17/13	Filed Appendix to Opening Brief Appellant's Appendix Volume 28	13-38297
12/17/13	Filed Appendix to Opening Brief Appellant's Appendix Volume 30	13-38299
12/17/13	Filed Appendix to Opening Brief Appellant's Appendix Volume 31	13-38300
12/17/13	Filed Appendix to Opening Brief Appellant's Appendix Volume 32	13-38301
12/17/13	Filed Appendix to Opening Brief Appellant's Appendix Volume 33	13-38302
12/17/13	Filed Appendix to Opening Brief Appellant's Appendix Volume 34	13-38303
12/17/13	Filed Appendix to Opening Brief Appellant's Appendix Volume 35	13-38304
12/18/13	Filed Appellant's Opening Brief.	13-38507
01/17/14	Filed Motion for Enlargement of Time - First Request (Answering Brief - 60 days).	14-01808
01/23/14	Filed Order Granting Motion. Respondent shall have until March 18, 2014, to file and serve the answering brief.	14-02328
03/18/14	Filed Motion for Extension of Time to File Answering Brief - Second Request.	14-08656
03/28/14	Filed Order Granting Motion. Respondent shall have until May 2, 2014, to file and serve the answering brief.	14-09862
05/02/14	Filed Motion for Extension of Time to File Answering Brief - Third Request.	14-14199
05/08/14	Filed Order Granting Motion. Respondent shall have until June 2, 2014, to file and serve the answering brief.	14-14864
06/02/14	Filed Motion for Enlargement of Time - Fourth Request (Answering Brief).	14-17673
06/06/14	Filed Order Granting Motion. Respondent: Answering brief due: June 23, 2014.	14-18491
06/23/14	Filed Motion for Extension of Time to File Answering Brief - Fifth Request.	14-20543
06/30/14	Received Respondent's Answering Brief. (FILED PER ORDER 7/3/14).	
07/03/14	Filed Order Granting Motion. The clerk shall file the answering brief received on June 30, 2014, Reply Brief due: 30 days.	14-21763
07/03/14	Filed Respondent's Answering Brief.	14-21764
08/04/14	Filed Order Granting Telephonic Extension. Appellant shall have until August 11, 2014, to file and serve the reply brief.	14-25380
08/11/14	Filed Appellant's Motion to Expand Time to File Reply Brief.	14-26249

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08/13/14	Filed Order Granting Motion. Appellant shall have until September 25, 2014, to file and serve the reply brief.	14-26554
09/26/14	Filed Appellant's Reply Brief.	14-32018
09/26/14	Briefing Completed/Submitted For Decision.	
06/10/15	Filed Order of Affirmance. "ORDER the judgment of the district court AFFIRMED."NNP15-NS/MG/KP.	15-17714
07/06/15	Issued Remittitur.	15-20370
07/06/15	Remittitur Issued/Case Closed.	

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PO, Box 408 SDCC  
Indian Springs, Nevada  
89070

~~Legal Mail~~

Clerk of the Court  
United States District Court, District of Nevada  
333 South Las Vegas Blvd., Ste. 1334  
Las Vegas, Nevada 89101

